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SUMMARY RECORD OF THE 15th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 10 February 1993, at 3 p.m.

Chairman: Mr. GARRETON (Chile)

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Situation of human rights in the territory of the former Yugoslavia
(continued)

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The meeting was called to order at 3.15 p.m.

SITUATION OF HUMAN RIGHTS IN THE TERRITORY OF THE FORMER YUGOSLAVIA (agenda item 27) (continued) (E/CN.4/1993/84 and 86).

1. Mr. AKTAN (Observer for Turkey) said that the situation in the territory of the former Yugoslavia was very simple indeed. When the former Yugoslavia had disintegrated, there had remained outside the borders of Serbia large groups of Serbs in Croatia and Bosnia and Herzegovina. Serbia had been legitimately concerned about the fate of those Serbs. Its concerns could have been met within the Conference on Security and Cooperation in Europe, but Serbia had chosen to annex the areas in which the Serbs lived. Not content with its territorial conquest, it had then expelled other ethno-national groups from the territories. Thus, Greater Serbia was associated with the most painful and criminal ethnic cleansing in history. In that process, every human right had been violated.

2. For the first time in history, genocide had was taking place in the full view of the international community, which had not only failed miserably to avert and punish it but it was also preventing the victim from effectively defending itself. The Government of Bosnia and Herzegovina had been literally forced to negotiate with war criminals while the latter were carrying out ethnic cleansing and massacring, destroying, bombing and raping. The outcome of the negotiating process was bound to reflect that situation.

3. The international community was discrediting itself by posturing as an objective and impartial observer and by distributing the blame for committing violations among the warring sides in an obvious attempt to conceal the fact that it had made the situation possible by failing to stop the aggression in the first place. Everyone knew who had committed ethnic cleansing and the other crimes and violations but the party which had merely tried to defend itself was being accused of committing violations and of feeling hatred towards its victimizer.

4. The last straw had been the pretext of interim arrangements in order to dissolve the only legitimate authority in Bosnia and Herzegovina. That was the way the international community saved a country it had recognized.

5. It had frequently been said that the war was not a religious one but no evidence had been submitted to vindicate that statement. To say the least, the vacillation between the use of force to protect the Muslims and their abandonment to the fate of genocide revealed an incomprehensible ambivalence in the Christian West towards Islam. The sectarian attitude of the Serbs, who had branded the most secular Bosnian Muslims as fundamentalists, with the support of some Orthodox countries, strengthened that impression in the eyes of the Muslim world.

6. The international community had laid a sinister trap for itself and had prepared the ground for ethnic cleansing in Kosovo, Sandzak and Vojvodina. Similar events of much greater magnitude were bound to occur next in other parts of Europe with apocalyptic consequences. In the midst of their political integration process, the Europeans had reverted to the balance-of-power conditions which prevailed before the First World War. They

were lining up among themselves and against one another. Countries and groups of countries were being characterized as pro-Orthodox, pro-Serb, pro-Catholic and so forth. A simple moral issue which should have been dealt with on its merits had turned into a realpolitik quagmire.

7. Mr. SENE (Observer for Senegal) said that none of the recommendations of the Special Rapporteur on the former Yugoslavia had been fully implemented and the policy of ethnic cleansing was continuing. Detention and the desecration of religious sites were increasing and the situation of the people of Sarajevo and of villages under siege was becoming worse with every passing day. Worst of all, a systematic practice of rape was being implemented.

8. In the face of those daily crimes and abuses, world public opinion everywhere was greatly disturbed at the inertia and evasiveness of the representative of the international community. The only political decision implemented to date had been the embargo on arms supplies to Bosnia and Herzegovina. The permanent members of the Security Council must realize that there could be no responsibility without risk and that the hesitation of the international community had encouraged the aggressors to pursue their objectives to the extent that 70 per cent of the territory of Bosnia and Herzegovina was under occupation and more than 3 million persons had been forced to abandon their homes.

9. The Commission, which was supposed to represent the conscience of the international community, must act to help put an end to all the atrocities being committed. It was high time that the world reacted, adopted specific measures and implemented the Special Rapporteur's recommendations. The peace plan drafted by the co-Chairmen of the Conference on the Former Yugoslavia was under consideration by the Security Council, and it was to be hoped that a firm initiative would be taken by that organ to encourage the mediation efforts undertaken by the United Nations and European Community with a view to restoring peace in the region.

10. His delegation, which supported the establishment of an international tribunal to try the persons accused of war crimes and serious violations of the norms of international law, welcomed the work being done by the Group of Experts to examine the war crimes and crimes against humanity committed in the former Yugoslavia.

11. The situation in Bosnia and Herzegovina was a challenge to Europe in particular. Bosnia and Herzegovina must remain a sovereign, independent, secular, democratic, pluralist, and multi-ethnic State within which all sectors of the population could live in peace with respect for their traditions, culture, rights and fundamental freedoms.

12. Ms. BLOCH (Minority Rights Group) said that, following the victory for Mr. Milosevic and for the Radical Party at the elections held in December 1992, the Serbian Government's attitude towards the ethnic Albanians in Kosovo should be a cause of great concern. Mr. Milosevec and the Serbian Radical Party were insisting on a unified, centralized Serbian State and opposing any suggestion that Kosovo might regain its status as an autonomous

province. The consequences for Kosovo of a political settlement in Bosnia and Herzegovina which did not allow for the incorporation of the Serb-controlled areas into Serbian territory could only be guessed at.

13. If the Serbian Government's attitude towards the ethnic Albanians in Kosovo hardened, that could very well undermine their leader, Mr. Rugova, and his pacifist response to Serbian oppression. It was essential, therefore, that an objective and impartial account on the history of the area and the root causes of the serious tensions between ethnic Albanians and the Serbs/Montenegrins should be made available.

14. Since neither the Serbian leaders nor the ethnic Albanians in Kosovo would accept any return by the province to an autonomous status, there appeared to be only two alternatives: independence guaranteed by international force or an inevitable bloodbath. It was understandable that the ethnic Albanians regarded independence for Kosovo as the only solution. Despite their many approaches to the Commission, the international community had failed to take any action to secure their human rights. Most unwisely, the link between human rights violations and the threat to peace and stability had not been made.

15. The oppression by the Serbs of the ethnic Albanians was both an assertion of their own nationalism and their answer to growing Albanian nationalism. The demand for independence for Kosovo was likely to increase Serbian aggression and the tensions between communities and might lead to ethnic cleansing. The international community must act as mediator and find a solution with which both parties could live. Such a compromise would have to provide strong protection for the rights of all minorities, based on the minimum standards set forth in the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

16. With a view to preventing the outbreak of a violent conflict in Kosovo, which could draw in Albania, Macedonia, Bulgaria, Turkey and Greece, her organization had suggested some ways forward relating to early warning and early action mechanisms, refugee issues, human rights, autonomy, education, economic rights, and international guarantees.

17. Mr. CLAPHAM (Amnesty International) said that the recommendations which his organization had previously made with a view to ending the human rights abuses in Bosnia and Herzegovina remained valid. Despite international initiatives, the scale of abuses had escalated in some towns and villages of the Republic and his organization was concerned for the safety of non-Serbs remaining in all areas under Serb control. Recent reports of thousands of Muslims fleeing south-east Bosnia and Herzegovina underlined the urgency of ascertaining the fate of people in areas to which there was virtually no international access.

18. His organization's research confirmed that rape and sexual abuse of women in Bosnia and Herzegovina was widespread and had, in some cases, been carried out in an organized and systematic manner. Although all sides had committed such abuses, the chief victims had been Muslim women and the main perpetrators members of the Serb armed forces. It was clear that effective measures had

rarely, if ever, been taken against such abuses. Rape by military and police forces was not only torture, in violation of basic human rights standards, but also a grave breach of the 1949 Geneva Conventions.

19. During recent clashes between the Croatian Defence Council (HVO) and the forces of the Bosnian Government, there had been reports that some of the civilian prisoners taken by both sides had been held solely as hostages, to be exchanged for prisoners from the other side. A number of prisoners on both sides had alleged that they had been brutally beaten and some were reported to have had visible injuries.

20. With regard to the situation in the Republic of Croatia, the Croatian army was alleged to have been responsible for 72 extrajudicial executions in the Osijek region alone, in the first five months of 1992. The victims had included Serbs. A number of people had also died after being tortured in custody by Croatian military or civilian police.

21. The potential for an escalation of the conflict remained high in Kosovo, the Sandzak and Vojvodina, in the Republic of Serbia, and in Macedonia. In Kosovo, ethnic Albanians were still victims of human rights violations including torture and ill-treatment at the hands of the largely Serbian police and military forces.

22. Amnesty International had repeatedly called on Governments to provide adequate protection for refugees fleeing the former Yugoslavia. There were continuing reports that people fleeing Bosnia and Herzegovina, mainly Muslims, were being prevented from entering Croatia if they had insufficient documents. That was in violation of international standards which prohibited refoulement. The Croatian authorities might be less inclined to violate those fundamental standards, however, if other European States had not been resorting to restrictive measures.

23. Given the difficulty of finding out the truth in the conflict, the importance of the Special Rapporteur maintaining an effective presence in the field could not be overemphasized. He must have the resources to commission forensic and other experts, continue working with the Commission's thematic mechanisms, and conduct as many periodic missions as necessary.

24. Amnesty International was also concerned that the Commission of Experts investigating violations of humanitarian law had not been given sufficient resources to carry out on-site investigations properly and to document the huge amount of information it was receiving.

25. It was disappointing that there had been little progress made in coordinating the many overlapping intergovernmental human rights initiatives. The Special Rapporteur, supported by the Commission and the Secretary-General, could take the lead in setting up a process of regular consultations to ensure that resources were properly directed to where they were most needed, and that the increasing number of fact-finding missions covering the same ground did not result in victims suffering unnecessary distress or an increased risk of reprisals.

26. Longer-term issues relating to the impunity of those responsible for gross human rights violations, compensation for the victims of abuses and protection for the future should also be addressed. A series of comprehensive measures would be needed, some of which would require immediate action while others would have to await the end of the war. The international community could, for example, play a role in ensuring that families were able to find out the full truth about the "disappearance" or deliberate and arbitrary killing of relatives, and that victims and their families had an enforceable right to seek compensation, restitution and rehabilitation.

27. All those suspected of responsibility for human rights abuses should be brought to justice, either by national courts or through an international judicial process. Any trial must conform strictly to the fundamental principles of justice and fairness, and his organization would unconditionally oppose the imposition of the death penalty on anyone convicted.

28. While his organization took no position on territorial issues, it welcomed as a basis for discussion the proposals for human rights institutions and safeguards developed by the International Conference on the Former Yugoslavia. Internationally supervised on-site monitoring and a complaints procedure would also be essential to ensure that safeguards were applied.

29. The role of the Special Rapporteur was to observe, listen, report and recommend. The Commission should urgently implement his recommendations: failure to do so would imply that the international community was content to remain a silent witness to the atrocities.

30. Mr. MILOSEVIC (World Federalist Movement), speaking on behalf of the World Serbian Community, thanked the World Federalist Movement for giving him the opportunity to express his organization's views, which were not necessarily those of the Movement.

31. The two reports submitted to the Commission by the Special Rapporteur were lacking in objectivity, clearly for political reasons. He had concentrated his investigations in Bosnia and Herzegovina on the territories held by Serb forces, paying insufficient attention to those controlled by Croat and Muslim forces. His conclusions, based on insufficient evidence with no particular investigation and on the testimony of a few people, served to obscure the scale of the crimes and human rights violations committed against the Serb population in the territory of Bosnia and Herzegovina.

32. Moreover, the Special Rapporteur made no reference to the efforts of the Government of the Serbian Republic of Bosnia and Herzegovina to combat war crimes by promulgating laws and applying them in the Serb territory of Bosnia and, in general, the authorities of the Serbian Republic considered that the Special Rapporteur had exceeded his mandate from the Commission.

33. It was estimated that some 700,000 Serbs in Bosnia and Herzegovina, or one third of the Serb population, had had to take refuge in the provinces controlled by the Serbian Republic of Bosnia and Herzegovina or in Serbia itself. In addition, 250,000 Serbs had fled from the Republic of Croatia. The number of Serb refugees was continuing to increase, particularly since the most recent attacks by the Croatian army against the Serbian Republic of

Krajina, in defiance of the Security Council which had ordered the Croatian armed forces to withdraw from the territories under the supervision of the United Nations Protection Force (UNPROFOR).

34. In the Bosnia and Herzegovina conflict, the living conditions in which prisoners were held had been particularly arduous, and the Serb authorities had supported every initiative aimed at ensuring the speediest possible release of prisoners of war and the closure of all prison camps. Of the prisoners released by the beginning of 1993, by far the greatest number had been released by the Bosnian Serbs.

35. The distressing reports of the rape of Muslim women, quoting a figure of 20,000 women raped, were based on figures from a Bosnian source published by an association of Muslim women refugees in Croatia. They had never been either confirmed or invalidated, even approximately. That campaign of allegations, with no serious foundations, had resulted in the adoption of a series of Security Council resolutions. Moreover, in his address to the Commission on the previous day, the representative of the Russian Federation had pointed out that it was not only Muslim women who had been raped and that similar offences against Serb and Croat women and girls were being ignored.

36. The tragic situation in Sarajevo was well known to the international community. On many occasions, the Serb side had proposed that there should be a cease-fire in the city, and that it should be placed under United Nations administration: all those proposals had been frustrated by the obduracy of the Muslims. Nor had the Serb authorities, despite the agreements signed, succeeded in obtaining the release of the 60,000 Serb hostages held by force in Sarajevo itself in the worst conditions.

37. It would be very dangerous if the international community were to follow up the Special Rapporteur's conclusions, since their effect would be to destabilize democratic institutions in Serbia and Montenegro by calling into question the fairness of recent parliamentary elections and the freedom of the press and political activity in the two Republics. His contentions were in blatant contradiction with the reports of the many international observers thereof.

38. It was highly irresponsible of the Special Rapporteur to assert that an essential precondition for improvement of the situation in Macedonia was international recognition of that country and its prompt admission to membership of the United Nations. In fact, international recognition would trigger off a civil war in Macedonia, where the Serb population of some 300,000 would refuse to accept the status of a minority within the Republic.

39. Ms. GRAF (International League for the Rights and Liberation of Peoples) said that, in view of the intolerable and atrocious violations of human rights in the former Yugoslavia and the ineffectiveness of the attempts at mediation by the international community, an international tribunal to adjudicate the crimes committed by all parties and to punish those responsible should be established without delay.

40. In addition, the Commission should set up, for an appropriate period, a working group consisting of a number of independent women experts for the purpose of investigating cases of rape, first and foremost those committed in the continuing war in Bosnia and Herzegovina, and then those committed in other current wars and in earlier conflicts. That working group should be provided with all the necessary information, from both governmental and non-governmental sources. The Commission was also urged to consider the appointment, for a period to be determined, of a female special rapporteur to examine issues relating to rape.

41. In view of the current accusations regarding the use of rape as a means of waging war, there was no doubt that the international community should make a serious effort to investigate the problem of rape in times of conflict, both in Bosnia and Herzegovina and elsewhere. The charge that rape was being systematically used by Serb forces to terrorize and humiliate their adversaries was of such seriousness that it should be urgently investigated by the international community to determine whether the role of rape in the current conflict was greater than in past wars, which had not had the same media coverage.

42. Media coverage was essentially ephemeral and not without an element of exploitation. Moreover, the media in the territories of the warring parties were dominated by the authorities, which often used manipulated information concerning rape and other outrages to stir up nationalist hatred by identifying the opposing side as the perpetrator.

43. Nevertheless, although reliable reports indicated that all the parties were guilty of serious violations of human rights and international humanitarian law, the information available placed the primary responsibility on the Serb forces - often neglecting, however, to distinguish between the Serb forces and the Serbian people.

44. The situation in Kosovo was highly volatile. It was evident that the inhabitants of Kosovo could no longer live under Serbian rule and that there was a mounting impatience to achieve self-determination through the holding of free and fair elections which would enable the territory to establish its own institutional life. It was also evident that the Albanian element could not be excluded from political decision-making on a Balkan and European scale: failure to resolve the issue of the ethnic Albanians would lead to greater problems in the future, with dramatic consequences for many countries and peoples of the Balkan region.

45. If Kosovo were to become independent, it was probable that its Albanian inhabitants would lose their sense of insecurity, cease to regard Serbs as their historic and continuing oppressors and develop neighbourly relations of friendship and cooperation.

46. Mr. TEITELBAUM (American Association of Jurists), having paid tribute to the unprejudiced and objective approach of the Special Rapporteur in his reports on the situation in the former Yugoslavia, said that the Association believed that, in the case of the current conflict in that region as in all

other cases, those guilty of violations of human rights should be brought to justice, and the victims of their crimes compensated. However, it preferred to dwell on possible ways of halting the sufferings of the peoples concerned.

47. Apart from Slovenia and Serbia proper, the Republics of the former Yugoslavia all had sizeable national minorities within their borders. All of the nations concerned had significant numbers of their nationals living outside the Republics in which they were predominant, the most conspicuous case being Serbia: of a total of 8.1 million Serbs, no less than 3,200,000, or some 40 per cent, lived outside Serbia itself. Kosovo which was part of Serbia, had a population that was 82 per cent ethnic Albanian. Bosnia and Herzegovina was a veritable ethnic melting pot, with a population that was 43.7 per cent Muslim, 31.4 per cent Serb and 17.3 per cent Croat, with a number of minor groups.

48. In the light of that ethnic diversity, prominent politicians, aware also of the latent threat posed by the lack of a sound legal framework for dealing with the question of ethnic minorities, had sought to prevent the break-up of Yugoslavia by proposing various solutions, including the formation of a kind of commonwealth of independent States. Their efforts had, however, been overtaken by events although, on 6 June 1991, Bosnia and Herzegovina and Macedonia had proposed a compromise solution.

49. Initially, the European Community and its members States had prudently declined to recognize the independence of Slovenia and Croatia, if the two Republics decided to withdraw unilaterally from the Yugoslav Federation, but recognition of the separate Republics of the former Yugoslavia had gradually been forthcoming from the entire international community, despite the fact that no adequate safeguards for the national minorities had been evolved. That state of affairs had greatly facilitated the task of nationalistic and xenophobic extremist groups dedicated to stoking the flames of inter-ethnic hostility. Currently such groups, which in normal times constituted a minority, were able to dictate events and to claim to represent the aspirations of their peoples.

50. Even so, there were still many people who wished to see, and were actively striving for, a restoration of peace and inter-ethnic harmony: in the besieged city of Sarajevo itself, Muslims, Serbs and Croats continued to live side by side and had participated in large-scale demonstrations for peace; similar demonstrations had been held in Belgrade.

51. At the time of the London Conference in August 1992, the anti-war movements and the opposition parties in the various republics and provinces had held a parallel conference, at which they had urged that the voice of the moderates should be heard at the negotiating table. It was more than ever essential that that plea should be heeded, so that the parties to the conflict were not represented solely by persons who endorsed the policy of ethnic cleansing.

52. Mr. BALIAN (Human Rights Advocates) said he wished to draw the Commission's attention to the situation in the province of Vojvodina. For many centuries that province had been a multi-ethnic and multicultural region which had formed part of Hungary until 1920, when it had been attached to

Yugoslavia. At the end of the Second World War, several hundred thousand Germans, Hungarians and Croats had been expelled from the region, marking the first attempt to alter its demographic composition. Since 1945, Serbs had become a majority in the southern areas of the region but, in the northern areas, Hungarians, Croats and other ethnic groups retained a majority.

53. Vojvodina had enjoyed autonomous status in the former Yugoslavia until 1989, and had so far remained relatively peaceful. However, ethnic tension was on the increase. In August 1992, the Belgrade Government had ordered a number of ethnic Hungarian communities in northern Vojvodina to accommodate some 30,000 Serb families displaced by the war elsewhere. In some cases, the new arrivals outnumbered the indigenous population, and had stretched meagre local resources to the limit. As long as abandoned houses and apartments were still available in the province, conflict might be avoided, but the persons who had recently departed from Vojvodina would have difficulty in returning to reclaim their homes, which had been confiscated without compensation.

54. Furthermore, if more Serbs were to arrive in the region, housing shortages would develop, and conflict would become unavoidable. Another matter for concern was the fact that the new arrivals were well armed while the local population was largely defenceless. Should violence occur, the consequence might be the all-too-familiar pattern of deportations, massacres and massive violations of human rights and humanitarian law, accompanied by a mass exodus.

55. The continuing existence of several minorities was clearly threatened in Vojvodina. It was to be hoped that the international community could respond effectively to the pleas of the threatened minorities before a conflict erupted and another mass exodus resulted.

56. Ms. BRANTLY (International Fellowship of Reconciliation) said that Kosovo was currently ruled by a dictatorship and was a police State, in which one ethnic minority had been unleashed against another. The state of emergency imposed in February 1989 by the Federal Government of Yugoslavia in the then autonomous province of Kosovo had constituted the basis for the ethnic cleansing taking place there on a massive scale, albeit less brutally than elsewhere in the former Yugoslavia.

57. Based on ethnicity and hence not permissible under international law, the state of emergency had been imposed in response to the constitutional caucuses that had been created in Kosovo, where the population, 90 per cent of which consisted of ethnic Albanians, wished to retain its autonomy, but had been denied the right to express its opinion during the constitutional reform in Serbia. The right to peaceful assembly and to the free expression of political opinions were denied, and the Constitution of Kosovo had been amended by force.

58. Following the transfer of the local government, judiciary and economy to the jurisdiction of the Government of Serbia, the police had taken over all key functions in Kosovo. The Kosovo Parliament and presidency had been dissolved; schools at all levels had been placed under the administration of the Serbian Government; local judges had been replaced by Serbs; persons had

been dismissed from employment purely on ethnic grounds; and property had been transferred to enterprises in Serbia. The state of emergency continued, restricting the exercise of most human rights in Kosovo.

59. If the Commission on Human Rights and other international bodies had addressed the state of emergency in Kosovo at an earlier stage, the Yugoslav crisis might not have escalated as it had done. She thus urged the Commission to appoint a special rapporteur on states of emergency, who would be instructed to pay particular attention to states of emergency based on ethnicity.

60. Ms. PONORAC (France Libertés-Fondation Danielle Mitterrand) said that she had been the assistant director of the newspaper Monitor, the sole independent newspaper in Montenegro to have taken a position against the war conducted by that country. Like many others, she considered herself to be Yugoslav, and not Serbian, Croatian or any other nationality. Born in Croatia of a Serb father - from Serbia - and a Croat mother, and having lived in Slovenia, in Bosnia and Herzegovina and in Montenegro, she had simply become an ex-Yugoslav who refused to identify with the new warlike State that called itself Yugoslavia.

61. Whereas attention had previously been focused on concentration camps, rape had currently become a more fashionable subject of conversation. Reams had been written about the difference between concentration camps and extermination camps. She wondered how many people had to die, how many women to be raped and how many persons forced out of their homes before the international community took measures to end the war.

62. According to the recommendations contained in the Special Rapporteur's report of 5 August 1992 the heavy weapons on the territory of Bosnia and Herzegovina should immediately be neutralized, by grouping them under the supervision of the United Nations Protection Force (UNPROFOR) and the irregular armed forces and civilians disarmed. Nothing had been done. It was also recommended that the United Nations should warn the competent authorities to abandon the policy of ethnic cleansing in all its forms. Yet the "blue helmets" were looking on powerlessly while that policy was carried out. It was further recommended that UNPROFOR personnel should have the right to react directly to human rights violations committed in their presence and to assist the victims. It was common knowledge that they had not done so.

63. Similarly, the United Nations had not determined the fate of the thousands of persons who had disappeared after the seizure of Vukovar and the other persons who had disappeared during the conflicts in the former Yugoslavia, as called for in another recommendation. The internment camps had not been dismantled, and no information agency independent of the local authorities that might help to counteract the dissemination of hatred among the population had been established. Those responsible for mass and flagrant human rights violations had not been prosecuted: on the contrary, by their involvement in the negotiations, they had been placed on an equal footing with their victims and their crimes had been legalized.

64. Conferences were held but the war continued. Such conferences, working on the basis of the ethnic principle, were promoting the division of Bosnia and Herzegovina along ethnic lines, in violation of the principle of citizenship as the basis for a modern State.

65. By helping to erect barriers between the Muslim, Serb and Croat populations, the United Nations would ratify ethnic cleansing. As for the Bosnians, the citizens of Bosnia and Herzegovina, a Republic that had always been multi-ethnic, they would have no place under such an arrangement, but they would be able to call themselves ex-Bosnians from the former Bosnia and Herzegovina, a country once recognized by the United Nations.

66. The United Nations must no longer simply observe events as they unfolded, but must bring its efforts into line with the recommendations of the Special Rapporteur.

67. Mr. MARUYAMA (Japan) said that, despite firm condemnations by the Security Council, the General Assembly and the Commission on Human Rights, the appalling human rights situation in the former Yugoslavia continued and in some areas, particularly Bosnia and Herzegovina, it had worsened. As the Special Rapporteur had pointed out, such abuses were committed by all the parties to the conflict, but the Serb side was responsible for the vast majority of acts in violation of human rights and international humanitarian law.

68. It was particularly outrageous that the crimes of mass murder and rape, torture in detention centres, harassment of minorities and the like were being carried out systematically and with the intention of evicting other ethnic groups from certain regions, in what had become known as ethnic cleansing. As a result, one third of the population of Bosnia and Herzegovina had been forced to abandon their homes, and the process was still continuing.

69. The Commission had recognized that the principal victims of ethnic cleansing in Bosnia and Herzegovina were the Muslim population and that the Serb leaders, the Yugoslav army and the political leadership of the Republic of Serbia bore primary responsibility. His delegation once again strongly condemned that reprehensible practice and urged that its effects be reversed and all the refugees and displaced persons enabled to return to their homes.

70. According to the Special Rapporteur, only a limited number of detention camps and prisons had been closed, and the conditions of the detainees remained grave. The International Committee of the Red Cross (ICRC), the Special Rapporteur and the United Nations High Commissioner for Refugees (UNHCR) should be granted unimpeded access to all detention camps and prisons, and those illegally detained should be released immediately.

71. All persons who perpetrated criminal acts and other grave breaches of international humanitarian law were individually responsible for those acts. His delegation supported the Commission of Experts established by the Security Council to investigate and analyse information on violations of international humanitarian law and hoped that the Commission would fulfil its mandate in cooperation with the Special Rapporteur and other organs involved in monitoring the situation in the former Yugoslavia.

72. His delegation shared the concern about the danger of violence spreading to several regions of the Republic of Serbia, particularly Kosovo. The situation there was grave enough to merit actively considering an increase in the international presence in those regions. Japan both supported and was taking part in the long-term monitoring mission to Kosovo, Sandzak and Vojvodina of the Conference on Security and Cooperation in Europe (CSCE).

73. The only way to put an end to the atrocities and to the plight of the people in the former Yugoslavia was through a negotiated settlement. His delegation supported the efforts of the co-Chairmen of the International Conference on the Former Yugoslavia, whose peace plan was at a critical juncture, and hoped that all parties to the conflict would accept that plan.

74. Mr. PALLAS (Cyprus) said that the grave violations of human rights in the former Yugoslavia must be stopped without further delay. His delegation strongly condemned the inhuman policy of ethnic cleansing and considered that the creation of homogeneous areas through forced displacement and demographic change was contrary to international humanitarian law and must be reversed immediately.

75. Cyprus fully understood the gravity of the situation in Bosnia and Herzegovina and other parts of the former Yugoslavia, because it had been and continued to be the victim of the same type of human rights violations, particularly ethnic cleansing. It was noteworthy that the delegation of Turkey had joined others in condemning ethnic cleansing and had supported the implementation of all United Nations resolutions on the former Yugoslavia. He hoped that it would take the same stand with regard to the numerous United Nations resolutions on the Cyprus problem.

76. The alleviation of a human tragedy of such dimensions as the current one must take precedence over political and other considerations. The international community should spare no effort nor hesitate to take any necessary actions to restore the human rights of the people of Bosnia and Herzegovina.

77. Mr. RIMDAP (Nigeria) said that his delegation was deeply concerned that the hostilities in the former Yugoslavia were gaining momentum, inflicting untold hardship on the innocent population. It therefore urged the warring factions to put an end to all such hostilities. Emergency action must be taken by the international community to avert the acute danger to the lives of thousands of civilians. Safe havens abroad for the people endangered should be found as an interim measure. His delegation did not share the view that providing refuge for such persons was tantamount to aiding and abetting ethnic cleansing. Emphasis must be placed on the protection of the right to life, a prerequisite for all other rights.

78. Nigeria was appalled by the reports of brutality towards women, particularly the systematic rapes in Bosnia and Herzegovina. The international community must act to forestall further cases of such heinous crimes and to bring those responsible to justice.

79. His delegation endorsed the recommendations in the European Community report concerning the provision of psychological and medical assistance to the victims of rape and the granting of safe havens abroad for those in need and called upon the international community to implement them as a matter of the greatest urgency. Support should be given to the United Nations High Commissioner for Refugees (UNHCR) and the International Committee of the Red Cross (ICRC) to ensure that assistance reached all the victims of the war. Relief corridors must be kept open and safe at all times, and not blocked by the warring factions.

80. His Government favoured a negotiated solution and would deplore the use of direct military intervention, which often led to the loss of innocent lives and the destruction of property. It commended the untiring efforts of the United Nations and the Western countries in their mediating role. Any settlement must, however, be fair and just to all the parties concerned. Aggression must not be legalized.

81. Mr. PARK (Republic of Korea) said that his delegation was greatly concerned about the wide variety of human rights violations being committed in the former Yugoslavia, especially in the Serb-controlled areas of Bosnia and Herzegovina. It condemned, in particular, the horrible violence perpetrated against women and children, who made up two thirds of all refugees and displaced persons. Rape had been systematically committed on a large scale as part of the policy of ethnic cleansing. It was to be hoped that the Commission would pay special attention to the tragic plight of such women, particularly Muslim women. While there was no doubt that the Serbian authorities bore prime responsibility for the heinous policy of ethnic cleansing, human rights violations committed by other parties in retaliation against Serbs were in no way justified or excusable.

82. At the International Conference on the Former Federal Republic of Yugoslavia (London Conference) all parties to the conflict had pledged themselves to respect the Geneva Conventions and Additional Protocols and to exercise full authority over undisciplined elements under their control. Regrettably, that pledge had not been honoured. His delegation thus appealed to all parties to abide by the rules of international law and respect human rights standards. It also appealed to all parties, particularly the Republic of Serbia, to put an immediate end to the abhorrent practice of ethnic cleansing.

83. The parties to the conflict and the international community must ensure that those who committed human rights abuses or ordered them committed or who violated international humanitarian laws were brought to justice, so that such crimes as ethnic cleansing could be severely punished and full and just compensation or restitution provided to the victims.

84. Increased efforts should be made to provide assistance to the millions of refugees and displaced persons until they could return safely to their homes. His Government would support any initiative by the Commission, or any other United Nations organ, aimed at relieving the suffering of those victims. It would continue to provide its share of contributions to the humanitarian programmes of UNHCR and the other relevant United Nations bodies.

85. Some progress had been made at the negotiations conducted under the auspices of the International Conference on the Former Yugoslavia. His delegation was anxious to see a successful conclusion to the ongoing peace process, so that the legitimate concerns of all parties could be properly reflected. A cease-fire in all parts of the former Yugoslavia must enter into force without delay. Security Council resolution 802 (1993) urging an end to the renewed hostilities in Croatia must be implemented immediately. Once a cease-fire had entered into force, it was to be hoped that a spirit of reconciliation and mutual trust among the different ethnic groups would soon be restored in the area and that full respect for human rights would be ensured under conditions of peace.

86. Mr. LEMINE (Mauritania) said that, despite two special sessions of the Commission, various General Assembly and Security Council resolutions and the presence of UNPROFOR and many other organizations, the tragedy in Bosnia and Herzegovina was continuing, and ethnic cleansing was being pursued in an increasingly inhuman manner, using mass rape as one of its weapons. The people of Sarajevo and other besieged Bosnian towns were threatened with extermination from the combined effects of shelling, lack of supplies and the winter weather. What was at stake was not merely the continued existence of a State Member of the United Nations, but the very survival of a people.

87. The persons guilty of the crimes committed and their leaders were often known, and the failure of the international community to do more than issue verbal condemnations could not but encourage them. The Special Rapporteur had rightly said that the world's reaction to the grave violations of international humanitarian law and human rights in Bosnia and Herzegovina would determine for a long time to come the place accorded to such rights in international politics and would shape international politics in general.

88. In order to stop the tragedy, top priority must be given to implementing the measures initially suggested by the Special Rapporteur. A negotiated settlement must be found respecting the independence, territorial integrity and political unity of Bosnia and Herzegovina, without sanctioning the territorial gains made, while those responsible for war crimes must be tried and punished by an international criminal court.

89. Human rights violations were also occurring in other parts of the former Yugoslavia, and the situations in Kosovo, Sandzak and Vojvodina might well deteriorate. Muslims were the main victims of those crimes and the main culprits were Serbs who enjoyed the firm backing of Serbia in those areas where the latter was not itself openly engaged in the conflict. Having inherited the arsenal of the powerful Yugoslav army, Serbia was easily able to bear the Security Council weapons embargo from which the Bosnians were suffering so badly. That unacceptable situation must be remedied.

90. The measures he had mentioned were outside the competence of the Commission, which could only draw attention to the problems, put forward proposals and urge the responsible United Nations organs to implement them. However, given the scale of the human rights violations taking place in the former Yugoslavia, the Commission should bring all possible pressure to bear to ensure that those measures were taken without delay.

91. Mr. ANASTASSOV (Bulgaria), having commended the Special Rapporteur on his objective picture of the human rights situation in the former Yugoslavia where a tragedy on an unprecedented scale was occurring, said that his delegation categorically condemned the violations of human rights and fundamental freedoms that were taking place, particularly the abhorrent practice of ethnic cleansing, which was an objective rather than a consequence of the war being waged in Bosnia and Herzegovina. The horrifying practice of the mass rape of Muslim women, which was being systematically used as an instrument of ethnic cleansing, was also a matter of the most urgent concern.

92. The perpetrators of mass and flagrant human rights violations and other grave breaches of international humanitarian law must be held personally responsible and the international community should make every effort to bring to justice those who had committed or authorized crimes against humanity. His delegation thus supported the idea of establishing an international criminal tribune to prosecute those responsible.

93. As a neighbouring country, Bulgaria feared that tensions might spread to other parts of the region, reawakening old nationalistic fears and ambitions in the Balkans. It was seriously concerned at the intimidation of and pressure on minorities in all parts of the territory of the former Yugoslavia and supported the call made by a number of delegations for timely and appropriate international action to protect the rights and secure the future of all minorities in the area, including the Bulgarian minority.

94. A comprehensive and lasting settlement of the conflict could be achieved only through respect for the principles of international law, particularly the inviolability of internationally recognized frontiers and respect for human rights, with due regard for the post-communist realities and complicated historical legacy of the Balkan region. International recognition of all the former Yugoslav republics could help prevent the conflict from spreading to other parts of the region and, in that connection, his delegation agreed with the Special Rapporteur that any further delay in the recognition of Macedonia could have grave consequences, even outside its own frontiers.

95. Mr. KARIM (Bangladesh) said it was clear from the Special Rapporteur's reports to the Commission that the Bosnian Muslims were victims of a bestiality unprecedented since the end of the Second World War. Yet the international community remained paralysed in ineffectual hand-wringing and inaction, while the Serb perpetrators of ethnic cleansing and mass rape were negotiating a carve-up of Bosnia and Herzegovina as a reward for their aggression and violation of every known human right.

96. The appeasement of Serbia recalled a previous tragic episode in European history, when another country had been sacrificed to feed the voracious appetite of an insatiable Nazi predator. Mr. Chamberlain had then sought to buy peace through appeasement just as Mr. Vance and Lord Owen were doing. He wondered how the lessons of history could have been forgotten so quickly. The Commission must urge the international community and the appropriate United Nations organs to act promptly and decisively to prevent history repeating itself.

97. Mrs. SYAHRUDDIN (Indonesia) said that, despite the Commission's two special sessions and the efforts of the international community, the situation in the former Yugoslavia continued to deteriorate intolerably, culminating in the cold-blooded murder on 8 January 1993 of the Deputy Prime Minister of Bosnia and Herzegovina, while under UNPROFOR protection, and the rape of thousands of Muslim women by Serb soldiers. The practice of ethnic cleansing still continued, with its concomitant atrocities and terrorist attacks against the Muslim community and their places of worship, and the flow of humanitarian assistance continued to face obstacles. Those atrocities were being committed with the full knowledge, if not the support, of the Serb authorities in the areas of Bosnia and Herzegovina under their de facto control and the international community seemed powerless to prevent them.

98. Recalling the position adopted by the Non-Aligned Movement at its tenth summit, which had condemned human rights violations and ethnic cleansing and called for the immediate cessation of hostilities, release of all prisoners and the dismantling of camps, prisons and detention centres, she said that the enlarged Bureau of the Sixth Islamic Summit Conference had adopted a similar position, stating that the Serb leadership must be held fully responsible and accountable for war crimes and crimes against humanity committed against the defenceless Muslims and Croats in Bosnia and Herzegovina. It had also called for the immediate establishment of an international tribunal to judge those crimes and stressed the urgent need to secure an advisory opinion from the International Court of Justice as to whether those crimes came within the scope of the Convention on the Prevention and Punishment of the Crime of Genocide.

99. While welcoming the fact that the co-Chairmen of the International Conference on the Former Yugoslavia had placed human rights and humanitarian issues at the core of the peace-keeping process, her delegation regretted that the Geneva negotiations had reached an impasse, leaving little prospect of an improvement in the situation, and that the Security Council had been unable to convene an emergency meeting, as requested by the contact group of the Organization of the Islamic Conference.

100. Her delegation felt that, at its current session, the Commission should go beyond its previous verbal condemnations of human rights violations in the former Yugoslavia and should take more concrete action to help alleviate the sufferings of the Bosnian people.

101. Mr. MOHAMED (Sudan) said that the international community appeared powerless to end the humanitarian tragedy in Bosnia and Herzegovina, which was a religious and racist war designed to annihilate the Muslim presence in Europe. The barbaric campaign being waged against the Muslim population was occurring in full view of the countries of Europe and yet those same countries were placing restrictions on immigration and making it difficult for Muslims to gain entry to the territories. That state of affairs was, perhaps, part of the new international order.

102. His delegation regretted that the breakdown of the Geneva peace talks was allowing the Serbs more time to continue their aggression against the Muslims. The position adopted by the United States Government was a positive

development, but decisive, speedy and firm measures where needed to produce a radical and effective solution in accordance with the provisions of Chapter VII of the Charter.

103. The Serbian political and military leaders must be held fully accountable to the international community for their disgraceful crimes, which amounted to genocide, a crime punishable under international law. Any party assisting the Serbs in their acts of aggression against the Bosnian Muslims should be deemed accessories to the crime of genocide. The Commission must adopt a clear-cut resolution condemning the Serbs for the crime of genocide and calling for compliance with the provisions of Chapter VII of the Charter.

104. Bosnia and Herzegovina was a member of the international community and should be treated as such. Serbian aggression should not be rewarded by allowing the Serbs to retain control of 50 per cent of the territory, when they represented only one third of the population.

105. Mr. WOOLCOTT (Australia) said that the Commission's two special sessions had established an effective investigatory mechanism and focused international attention on the former Yugoslavia. The Special Rapporteur's written and oral reports detailed a pattern of systematic human rights violations that were appalling in their scale and ferocity, and clearly spelled out the stark reality of ethnic cleansing.

106. The creation of ethnically homogeneous regions had from the outset been the principal objective of the military conflict in Bosnia and Herzegovina and, although no side was innocent of such practices, the Special Rapporteur had made it clear that Muslims were the principal victims and that the Serb political and military authorities bore the major responsibility. The Republic of Serbia must use its influence with the Serbs in Bosnia and Herzegovina to put an end to them. Since the Special Rapporteur had also concluded that human rights abuses had occurred on all sides, the other parties to the conflict must be reminded that retaliation or revenge could not provide justification for further atrocities.

107. His Government was particularly concerned at the evidence of widespread rape of Muslim women in Bosnia and Herzegovina, apparently as part of a deliberate and systematic Serb policy. Those practices must be condemned in the strongest possible terms, and the victims given urgent medical and advisory assistance, as well as immediate welfare and community support. Governments and the appropriate agencies should consider how they could best assist the victims.

108. The Commission should build on the work of its special sessions by ensuring that international attention continued to be focused firmly on the situation in the former Yugoslavia and by establishing the infrastructure for the investigation and punishment of human rights violations, including crimes against humanity. It would have to cooperate closely with other relevant United Nations bodies, particularly the Security Council and UNHCR, as well as with the International Conference on the Former Yugoslavia.

109. For the moment, however, the Commission should adopt a resolution strongly condemning the events in the former Yugoslavia, extend the mandate of the Special Rapporteur, and call for the establishment of an ad hoc tribunal for the eventual prosecution of those accused of war crimes and crimes against humanity in the former Yugoslavia. The international community must make it clear that all those who perpetrated or authorized such crimes would be held individually responsible and that every effort would be made to bring them to justice.

110. His Government supported the comprehensive three-part settlement plan put forward by the co-Chairmen of the International Conference on the Former Yugoslavia as the best way of stopping the fighting and achieving a peaceful settlement. Only through coordinated international pressure at several levels, including the decisions of the Commission, could a negotiated political settlement be achieved.

The meeting rose at 6.05 p.m.